

IN THE HIGH COURT OF JUSTICE

Claim No: []

QUEEN'S BENCH DIVISION

B E T W E E N :

THE LORD MCALPINE OF WEST GREEN

Claimant

- and -

(1) ITV PLC

(2) PHILLIP SCHOFIELD

Defendants

STATEMENT IN OPEN COURT

Claimant's Counsel:

My Lord in this claim for libel I appear for the Claimant, Lord McAlpine of West Green. Mr Ian Felstead appears for the Defendants, ITV plc and Mr Phillip Schofield.

Lord McAlpine was the Conservative Party Treasurer from 1975 to 1990 and the Deputy Chairman of the Conservative Party from 1979 to 1983. He was a close aide and trusted adviser to Lady Thatcher during her tenure as Prime Minister and a senior and highly respected figure in the Conservative Party for many years.

ITV produces and broadcasts the popular daytime television programme *This Morning*. It has a regular audience of around 1.2 million viewers. Mr Schofield is a well known television broadcaster and a presenter of *This Morning*.

On 8 November 2012 ITV broadcast an edition of *This Morning* which included an interview of the Prime Minister conducted by Mr Schofield beginning at around 11.10 a.m. During the course of that interview Mr Schofield sought to raise with the Prime Minister "*the fact that. . . there could have been a paedophile ring amongst the elite of Great Britain that led all the way to Downing Street*". This would have been clearly understood by the Prime Minister and viewers of *This Morning* to be a reference to the much-publicised child-abuse scandal involving the Bryn Estyn care home in Wrexham, North Wales.

It was common knowledge that on 2 November 2012 the BBC had broadcast an edition of *Newsnight* in which the most serious allegations of paedophilia and serial rape of vulnerable young boys in the North Wales children's home had been made against a "*leading Conservative figure from the Thatcher years*". Both before and after the broadcast of *Newsnight*, Lord McAlpine's name had been widely (and completely falsely) identified as being the subject of these allegations. Many, but not all, of those purporting to identify him did so on Twitter.

During the interview on *This Morning* Mr Schofield asked the Prime Minister whether he had "*heard the names*" who had been associated with the allegations concerning the North Wales children's home. Despite being warned specifically by the Prime Minister of the dangers of speculation regarding such serious allegations, Mr Schofield then passed the Prime Minister a card containing a list of names that were continually associated with the allegations that he said he had himself easily discovered during a brief internet search.

The Defendants accept that Lord McAlpine's name appeared on this list of names and that this list was briefly visible to viewers when Mr Schofield passed it to the Prime Minister. The Claimant considers that Mr Schofield's statements and actions amounted to an encouragement, albeit unintended, to viewers of *This Morning* to perform similar internet searches to that which Mr Schofield had conducted and thus caused other people to discover the link between these seriously defamatory allegations and Lord McAlpine.

On the same day as the broadcast, both Mr Schofield and ITV released public statements in which they apologised for the fact that the names on the list may have been made visible to viewers. ITV also broadcast these apologies on *This Morning* the following day. Until the settlement of this matter was announced on 22 November 2012, however, no public apology was made by them directly to Lord McAlpine and his name continued to be widely associated with the allegations.

It was not until 9 November 2012 that the falsity of the allegations against Lord McAlpine was made known to the world at large. The Defendants accept that the allegations made against him, alluded to in *This Morning*, were wholly untrue. In order that there can never be any doubt about the falsity of the allegations, the parties have agreed to attach to the printed version of this Statement in Open Court:

1. Lord McAlpine's detailed statement of 9 November 2012 in which he categorically refuted the allegations that had been made against him; and
2. The statement of Steve Messham (the person upon whose statements the *Newsnight* investigation had been based) in which he made it clear that his allegations against Lord McAlpine were based upon a case of mistaken identity and apologised to Lord McAlpine and his family.

Notwithstanding that the allegations against him had finally been shown to be false, Lord McAlpine understandably remained extremely hurt and distressed by the broadcast. He was not prepared to allow it to remain unchallenged and therefore took this action against the Defendants which has now been settled on terms which include the making of this statement in open court.

The Defendants have furthermore agreed, by joining in this statement, unreservedly to apologise to the Claimant for the injury to his reputation and good name and for the hurt and distress caused by the broadcast. The Defendants have also agreed to pay the Claimant a substantial sum in damages to compensate for that harm and distress, and to pay all his legal costs.

Solicitor for the Defendants:

On behalf of the Defendants, I fully accept what Counsel has said.

In particular, both ITV and Mr Schofield fully accept and would like publicly to state that there is no truth whatsoever in the allegations against Lord McAlpine referred to by Counsel.

Mr Schofield sought to paraphrase a question that had previously been raised in the House of Commons and the fact that the list was briefly visible to viewers was entirely inadvertent, a mistake immediately acknowledged by ITV and Mr Schofield.

Neither ITV nor Mr Schofield intended to make the allegations against Lord McAlpine referred to by Counsel but they do accept full responsibility for the broadcast and the harm and distress caused to Lord McAlpine as a result. As Counsel has said, the Defendants have agreed to pay the Claimant a substantial sum in damages and all his legal costs. On behalf of both ITV and Mr Schofield I apologise unreservedly to Lord McAlpine.

Claimant's Counsel:

My Lord, it follows that this matter is now concluded and I ask for leave to withdraw the record.

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Edward Garnier QC, on behalf of the Claimant

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Ian Felstead, on behalf of the Defendants